

Bonding - General Statutes

5 USC 44 (Copy attached) Disbursing clerks; bond; appointed by department head.

22 USC 808 (Copy attached) Bonds of officers and employees of Foreign Service.

Title VI, USC Official and penal bonds (enacted into positive law by Act of 30 July 1947):

This Title is concerned with the adequacy of bonds and liability of sureties; the necessity for bonding is not covered in this Title, but appears in other sections of the Code, especially in Title 31.

31 USC 82a-1 Relief of accountable officers of liability for loss.

31 USC 82b Disbursing officers of executive branch of the Government; examination of vouchers.

82c Certifying officers; bond; accountability; relief by Comptroller General.

82d Same; enforcement of liability

82e Disbursing officers excepted from sections 82b-82e of this title.

82f Certifying and disbursing officers' accountability for correctness of computations of certified vouchers.

82g Disbursing or certifying officer; exemption from liability for overpayments for transportation.

31 USC 481 Bond of Special Agents.

31 USC 492 Duty of Disbursing Officers.

COMMENT: The net effect of the foregoing statutory provisions is to require the bonding of certifying officers, disbursing clerks, and special agents for the disbursement of funds (if other than officers of the Armed Forces). Other statutes not here covered concerned the bonding of officers of the Armed Forces.

5 USC 44

Disbursing clerks. The disbursing clerks authorized by law in the several departments shall be appointed by the heads of the respective departments; and shall each give a bond to the United States for the faithful discharge of the duties of his office according to law in such amount as shall be directed by the Secretary of the Treasury, and with sureties to the satisfaction of the General Counsel for the Department of the Treasury; and shall from time to time renew, strengthen, and increase his official bond, as the Secretary of the Treasury may direct.. (R.S. § 176; Nov. 23, 1923, c. 265, 42 Stat. 1488; May 10, 1934, c. 277, § 512(b), 48 Stat. 759)

22 USC 808

Bonds of officers and employees

Every secretary, consul general, consul, vice consul, Foreign Service officer, and Foreign Service Reserve officer, and, if required, any other officer or employee of the Service or of the Department before he enters upon the duties of his office shall give to the United States a bond in such form and in such penal sum as the Secretary shall prescribe, with such sureties as the Secretary shall approve, conditioned without division of penalty for the true and faithful performance of his duties, including (but not by way of limitation) certifying vouchers for payment, accounting for, paying over, and delivering up of all fees, moneys, goods, effects, books, records, papers, and other property that shall come to his hands or to the hands of any other person to his use as such officer or employee under any law now or hereafter enacted and for the true and faithful performance of all other duties now or hereafter lawfully imposed upon him as such officer or employee, and such bond shall be construed to be conditioned for the true and faithful performance of all official duties of whatever character now or hereafter lawfully imposed upon him, or by him assumed incident to his employment as an officer or employee of the Government. Notwithstanding any other provisions of law, upon approval of any bond given pursuant to this chapter, the principal shall not be required to give another separate bond conditioned for the true and faithful performance of only a part of the duties for which the bond given pursuant to this chapter is conditioned. The bond of an officer or employee of the Service shall be construed to be

22 USC 808 (Cont'd.)

conditioned for the true and faithful performance of all acts of such officer incident to his office regardless of whether appointed or commissioned as diplomatic, consular, Foreign Service officer, or other officer of the Service. The bonds mentioned in this section shall be deposited with the Secretary of the Treasury. Nothing contained in this section shall be deemed to obviate the necessity of furnishing any bond which may be required pursuant to the provisions of the Subsistence Expense Act of 1926, as amended. Aug. 13, 1946, c. 957, Title X, § 1011, 60 Stat. 1030.